

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LINDA PACKER,

Plaintiff,

v.

COINSTAR, INC., *et al.*,

Defendants.

No. C11-133 MJP

UNOPPOSED MOTION FOR
RECONSIDERATION OF THE
COURT'S FEBRUARY 14, 2011
ORDER

NOTE ON MOTION CALENDAR:
February 18, 2011

On February 14, 2011, the Court issued an *Order Consolidating Action and Setting Briefing Schedule on Motion to Appoint Lead Plaintiff and Lead Counsel* (the "February 14, 2011 Order"). Pursuant to the February 14, 2011 Order, the Court consolidated two of four pending, related actions and directed that motions for appointment of lead counsel and lead plaintiff be filed no later than March 10, 2011.

To date, at least four cases alleging federal securities claims have been filed in the Western District of Washington: 1) *Packer* (No. C11-133 MJP, filed January 24, 2011); 2) *Wilkerson* (No. C11-176 MJP, filed February 1, 2011); 3) *Nagler* (No. C11-193 RAJ); and 4) *Weiss* (No. C11-202 JLR). *Packer* was the first-filed action on January 24, 2011. Counsel for

1 Ms. Packer issued a notice over the GLOBE NEWSWIRE on January 24, 2011. Barth Decl.,
2 Exhibit A.¹

3 Pursuant to the relevant provisions of the Private Securities Litigation Reform Act, “not
4 later than 60 days after the date on which the notice [of the pendency of the lawsuit] is published,
5 any member of the purported class may move the court to serve as lead plaintiff of the purported
6 class.” 15 U.S.C. § 78u-4(a)(3)(A)(i)(II).

7 Counsel for Packer issued the statutorily mandated notice on January, 24, 2011. In that
8 notice, Packer informs potential movants that the statutorily imposed deadline for submitting
9 motions seeking appointment as lead plaintiff is March 25, 2011. The Court’s February 14, 2011
10 Order truncates the statutory deadline by fifteen (15) days, setting the deadline for filing a
11 motion for lead plaintiff on March 10, 2011. As a result, potential movants who have not filed
12 complaints will likely remain unaware of this Court’s deadline, instead filing their motions for
13 appointment of lead plaintiff by the statutorily mandated March 25, 2011 deadline. The parties
14 hereby request that the Court revise its February 14, 2011 Order to meet the statutory mandate,
15 setting the lead plaintiff motion deadline for March 25, 2011. This motion is made jointly by the
16 Plaintiffs in both the *Packer* and *Wilkerson* actions. Counsel for the Defendants in both actions
17 have been consulted and do not oppose this motion. Counsel for Plaintiffs in both the *Nagler*
18 and *Weiss* actions have been consulted and support this motion.

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¹ Plaintiffs Nagler and Weiss filed their actions on February 3, 2011 and February 4, 2011 respectively. Both
26 plaintiffs related their actions to the *Packer* action.

Respectfully submitted this 18th day of February, 2011.

/s/ Karl P. Barth

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED: February 18, 2011

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